

Ordinance No. 2022- 07

AN ORDINANCE AMENDING ORDINANCE NO. 2015-11 REGULATING ITINERANT MERCHANTS, PEDDLERS, AND SOLICITORS TO REVISE ALLOWED HOURS OF OPERATION BY STATIONARY ITINERANT MERCHANTS

WHEREAS, Ordinance No. 2015 11 was previously passed and adopted by the Village of Winnebago Board of Trustees on December 7, 2015, as the Board found that the public interest, convenience, and necessity require the regulation of itinerant merchants, peddlers, and solicitors in order to promote free speech activities while safeguarding the safety of the residents of the Village; and further found requiring registration and permitting of all itinerant merchants, peddlers, and solicitors will assist in protecting the public against persons of criminal habits or tendencies representing themselves as itinerant merchants, peddlers, or solicitors; and

WHEREAS, one of the regulations contained in said ordinance pertained to the allowed hours of operations, and provided that no person shall engage in the business enumerated in said ordinance except between the hours of 9:00 a.m. and 7:00 p.m. Monday through Saturday, with no such business being engaged in on Sundays, or state or national holidays; and

WHEREAS, Ordinance No. 15-11 further provided that itinerant merchants who have a stationary location for their business within the commercial areas of the Village north of McNair Street, and, thus, are not engaging in door-to-door solicitation or peddling, shall be exempt from the restriction prohibiting conducting business on Sundays, or state or national holidays, but the normal business hours restriction of the hours of 9:00 a.m. to 7:00 p.m. shall continue to apply to said stationary itinerant merchants; and

WHEREAS, Ordinance No. 2015-11 also provided such stationary itinerant merchants shall also be exempt from Section 2(a) of Article III of the said ordinance which prohibits

selling, dispensing or displaying for sale any goods, wares, merchandise, materials, or services from any box, case, suitcase, or other container, vehicle or contrivance; and

WHEREAS, an itinerant merchant was defined as any person, whether as owner, agent or consignee, who engages in a temporary business of selling goods within the village and who, in the furtherance of such business uses any building, structures, vehicle, or any place within the Village; and

WHEREAS, based on the nature and scope of goods generally offered by stationary itinerant merchants, and the Village's overall generally positive experience with stationary itinerant merchants, it is believed that the allowed hours of operation by such stationary itinerant merchants should be expanded to the hours of 6:00 a.m. to 10:00 p.m., in order to allow for expanded business opportunity and expanded provision of goods desired by the citizenry without disturbing the residents of the Village at unreasonable hours; and

WHEREAS, based upon the expansion in recent years of the areas of commercial activity in the Village, there is no longer the need for the "north of McNair Road" location restrictions as long as the area in which the stationary itinerant merchant is operating as a stationary itinerant merchant is within the commercial area of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Winnebago, Illinois as follows:

ARTICLE I

Article III, Section 4 of Ordinance No. 2015-11 shall be deleted in its entirety and replaced with the following:

SECTION 4. EXCEPTIONS

The provisions of this ordinance shall not apply to officers or employees of the village, county, state, or federal governments, or any subdivision thereof, when on official business. Also, those certain "peddlers" that provide regular, routine deliveries of products for particular stores and businesses used for resale, or incorporated into the store or business's final product shall be exempt from the permit requirement. Further, any organization sponsored by or affiliated with Winnebago Community Unit School District #323 shall be exempt from the permit requirement. Also, itinerant merchants who have a stationary location for their business within the commercial areas of the Village, and thus are not engaging in door-to-door solicitation or peddling, shall be exempt from the restriction prohibiting conducting business on Sundays, or state or national holidays. The normal business hours restriction of the hours of 9:00 a.m. to 7:00 p.m. shall be modified to the hours of 6:00 a.m. to 10:00 p.m. for stationary itinerant merchants within the commercial areas of the Village of Winnebago, providing they are acting in a stationary capacity during such hours of operation. Such stationary itinerant merchants shall also be exempt from Section 2(a) of Article III of the instant ordinance which prohibits selling, dispensing or displaying for sale any goods, wares, merchandise, materials, or services from any box, case, suitcase, or other container, vehicle or contrivance.

ARTICLE II

All other provisions of Ordinance No. 2015-11 not in conflict with the provisions herein shall remain in full force effect.

ARTICLE III

This Ordinance shall be in full force and effect from and after the date of its passage,

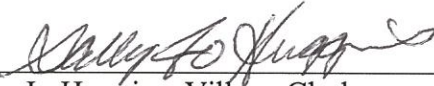
approval, and publication in pamphlet form, as provided by law.

APPROVED:



Franklin J. Eubank, Jr., President of the Board of Trustees
of the Village of Winnebago, Illinois

ATTEST:



Sally Jo Huggins, Village Clerk

PASSED:

8-8-2022

APPROVED:

8-8-2022

PUBLISHED IN PAMPHLET FORM:
